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TO RUEHC/SECSTATE WASHDC PRIORITY 8467
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 TBILISI 003112

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DEPT FOR EUR/CARC

E.O. 12958: DECL: 12/17/2017
TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [GG](#)
SUBJECT: TBILISI ELECTION UPDATE 12/17/07

REF: TBILISI 3101

Classified By: Ambassador John F. Tefft for reasons 1.4(b&d).

Lomaia and Ambassador Discuss Exit Polls and ODIHR

¶1. (C) In a meeting December 14, the Ambassador told NSC Chairman Alexander Lomaia that we had done a comprehensive feasibility evaluation and found that we could not sponsor and mount a proper exit poll (factoring in an adequate amount of time for voter education) in the short time before the January 5 election. Lomaia, who had previously requested U.S. assistance for an exit poll, said he understood the decision, but asked how the Georgian government should deal with the possibility that Badri Patarkatsishvili would fund his own exit poll. Lomaia said that Patarkatsishvili could certainly "buy the numbers" he wanted, to show a lower-than-officially-announced result for Saakashvili in order to justify post-election protests. (Note: Ruling National Movement spokesman David Bakradze had exactly the same reaction when he and the Ambassador discussed exit polls later the same day, noting that a Badri-funded poll would get attention, and the National Movement would need something to counter it.)

¶2. (C) The Ambassador stressed that we should place our confidence in the OSCE/ODIHR Election Observation Mission to assess the election fairly and definitively, as well as in a parallel vote tabulation (PVT). Lomaia agreed that these were very important. He said the Georgian government had recently created the interagency task force on the elections (reftel) precisely to facilitate communication with ODIHR, as well as NGOs and the diplomatic community. He stressed, however, that the government wanted ODIHR to do more than write an evaluation of the election after-the-fact; it should also provide the government with a "roadmap to a free and fair election," including benchmarks and proactive advice on how to fix problems early on. The Ambassador noted that ODIHR would issue two interim reports that would lay out its observations as the campaign progressed. Lomaia also stressed that ODIHR should judge the Georgian election by the same criteria it has used elsewhere, for example in Armenia and Russia.

¶3. (C) Lomaia said the ruling party would take no position on the plebiscite question about whether to hold parliamentary elections in April or in the fall. He said the question would be worded so that a "yes" answer meant April elections, something the opposition (which supports early elections) had wanted. Lomaia said this concession was intended to be a "signal" to responsible elements in the opposition that there was a political future even if they lose the presidential race. Asked about post-election protests, Lomaia said the government hoped any protests would be peaceful, but would be ready to react if demonstrators crossed lines such as intruding into Parliament or using Imedi TV for inflammatory

statements.

Prosecutor General Meets Ambassador

14. (SBU) The Prosecutor General Zurab Adeishvili told Ambassador in a meeting on 17 December that the government does not plan on bringing cases against candidates after the election, with the possible exception of Badri Patarkatsishvili. Adeishvili also noted that there are ongoing criminal cases against law enforcement officials who used excessive force during the protest on November 7.

Bakradze Briefs Diplomatic Corps

15. (SBU) National Movement spokesman David Bakradze (on leave from his position as State Minister of Conflict Resolution) gave a wide-ranging briefing to diplomats December 14. He explained the government's reasoning for calling a plebiscite on NATO accession -- to "institutionalize the will of the people" and thereby make the NATO direction irreversible -- and its neutral stance on the plebiscite on the timing of parliamentary elections. Bakradze said the government had initially opposed spring elections because they could be a distraction during a potential crisis period following international recognition of Kosovo, but now that presidential elections had been moved up to January and the winner would have a strong mandate, this concern about parliamentary elections no longer applied.

16. (SBU) Bakradze distributed a large packet of election-related materials, including reports from MOIA investigations into a number of alleged elections-related abuses. Noting that the opposition had complained that voters' lists were too large, Bakradze agreed that this was

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true, but he said the extra names were largely those of Georgians working abroad (usually without documentation) and these individuals could not be precisely identified or removed from the rolls without violating international standards guaranteeing their right to vote. Bakradze expressed concern that some in the opposition were already declaring that elections could not be free and fair, and were attacking the Central Election Commission and international experts. He noted that opposition MP Levan Berdzenishvili had criticized Matyas Eorsi, head of a Council of Europe delegation that recently visited, while stressing that Eorsi "is a Hungarian Jew."

17. (SBU) Asked about reports that officials were collecting identity cards, Bakradze said he knew of no scenario in which an individual could use a photocopy of someone else's identity card to cast a fraudulent ballot, and he asked for the details of any reported case of police asking for identity cards. In response to another question, Bakradze said he thought it quite possible that Saakashvili would agree to appear on an Imedi talk show if he was invited. Asked by the Ambassador if the National Movement had warned its officials in the regions not to intimidate voters, Bakradze replied with an emphatic yes. He said Deputy Speaker of Parliament Machavariani was devoting all his time to telling local officials and activists that the "best Christmas present" they could give the opposition would be to make them into victims. Bakradze added that Saakashvili understood the advantages of victimhood perfectly from his time in opposition five years ago. Bakradze admitted that, "given the current level of political culture," there could be a "temptation" to commit abuses, but the National Movement was making a point to its people that such actions were damaging to the party and prohibited.

Ruling in Favor of Military Voters

18. (U) On December 17, the Tbilisi City Court reviewed the case brought by the United National Movement Party regarding the CEC's decision not to permit military serving outside of

Georgia to vote (reftel). The Tbilisi City court ruled in favor of the National Movement and abolished the CEC's previous decision.

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